

1
2
3
4
5
6
7
8
9
10 MARK HEINRICHES, individually and on
11 behalf of all others similarly situated,

12 Plaintiff, No. C 13-05434 WHA

13 v.
14 WELLS FARGO BANK N.A.,
15 Defendant.

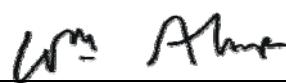
16 / **ORDER DENYING MOTION TO
17 DISMISS AND TO STRIKE CLASS
18 ALLEGATIONS AS MOOT AND
19 VACATING HEARING**

20 On December 18, 2013, defendant filed a motion to dismiss or in the alternative, to strike
21 class allegations (Dkt. No. 4). The motion was set for hearing on February 13, 2014. On
22 January 15, 2014, plaintiff filed an amended complaint, as permitted under Federal Rule of Civil
23 Procedure 15(a).

24 “[T]he general rule is that an amended complaint supersedes the original complaint and
25 renders it without legal effect” *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir. 2012).
Accordingly, defendant’s motion is **DENIED AS MOOT**. The hearing set for February 13, 2014, is
26 **VACATED**. This, however, is without prejudice to defendant should it wish to file another
motion to dismiss or to strike class allegations, noticed for hearing on a 35-day track. In
addition, the case management conference will still proceed **11 AM ON FEBRUARY 11, 2014**.

27 **IT IS SO ORDERED.**

28 Dated: January 27, 2014.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE